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 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 WILSON & COUSINS DIVISION OF
 18 PALAMAR INDUSTRIES, INC.,

19 Plaintiff,

20 V.

21 T. CHRISTY ENTERPRISES, INC.,

22 Defendant.

Case No. CV-08-0098-PJH

**STIPULATED DISMISSAL AND
 PERMANENT INJUNCTION**

23
 24 Plaintiff Wilson & Cousins Division of Palamar Industries, Inc. ("W&C") and
 25 Defendant T. Christy Enterprises, Inc. ("T. Christy"), have represented to the Court that they
 26 have executed a Settlement Agreement providing for the final resolution of all claims for
 27 relief pending between them and have agreed to the entry of this Stipulated Dismissal and
 28 Permanent Injunction. Accordingly, upon consent of W&C and T. Christy ("the Parties"),
 hereby ORDERED that:

STIPULATED DISMISSAL AND PERMANENT INJUNCTION

1 1. This Court has jurisdiction over the Parties.

2 2. This Court has subject matter jurisdiction over this matter pursuant to 28
3 U.S.C. § 1331, and venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391.

4 3. W&C is a corporation duly organized under the laws of Canada, having a
5 principal place of business in Ontario, Canada.

6 4. T. Christy is a corporation duly organized under the laws of the State of
7 California, having a principal place of business in Anaheim, California.

8 5. T. Christy, together with its officers, agents, servants, employees, and
9 attorneys, and all persons in active concert and privity with them, who receive actual notice of
10 this Stipulated Dismissal and Permanent Injunction, are hereby permanently enjoined from
11 the following acts:

12 a. Selling and distributing any check valve or hose nozzle products that
13 feature the W&C model numbers IE144T, IE144G and HNL-206T, the UL or
14 ULC Listing Mark Control Number 27GH, or any other UL or ULC Listing
15 Mark Control Number assigned by UL or ULC to W&C, unless those products
16 are manufactured or authorized by W&C.

17 b. Selling and distributing any check valve that is not manufacutred or
18 authorized by W&C that incorporates the following features in combination, or
19 a colorable imitation of this combination of features: the "UL" and "ULC"
20 marks, placed side by side toward the top of the valve; followed underneath by
21 the upper-case characters "LISTED", the product control number "27GH," and
22 the term "CHECK VALVE"; towards the bottom of the valve, a Factory
23 Mutual approval mark, namely, a diamond symbol encasing the letters "FM";
24 and an uppercase letter "S" placed directly to its right; rotating the valve 180
25 degrees, the display of a directional water flow arrow with the number "4"
26 placed immediately to the right of the arrow; and directly underneath those
27 symbols, the characters "300 LB," the characters "IE144T" or "IE144G", and
28 the year of manufacture (e.g., "06").

c. Displaying or depicting any W&C product, the W&C model numbers IE144T, IE144G and HNL-206T, or the W&C trademark known as the W&C Helmet Mark, in its catalog, on its website, or in any advertising or promotional material, except (1) as part of an effort to sell a W&C product, or (2) in lawful comparative advertising. The W&C Helmet Mark is shown below:



6. This Stipulated Dismissal and Permanent Injunction shall not be construed in any other judicial, administrative, or arbitral proceeding as an admission or acknowledgement by T. Christy that W&C has trade dress rights in the combination of elements listed in Paragraph 5(b) above or any individual element listed in Paragraph 5(b).

7. The Preliminary Injunction Order entered on February 14, 2008, is hereby dissolved, and all pending claims in this action are dismissed with prejudice.

8. The Parties shall bear their own costs and attorneys' fees in this matter.

9. W&C and T. Christy waive all rights to appeal this Stipulated Dismissal and Permanent Injunction.

10. This Court retains jurisdiction to enforce this Stipulated Dismissal and Permanent Injunction.

Dated: March 12, 2008

Respectfully submitted,

By: 

DANIEL S. MASON (No. 54046)
CHRISTOPHER T. MICHELETTI (No. 136446)
ERIC W. BUETZOW (No. 253803)
ZELLE, HOFMANN, VOELBEL,
MASON & GETTE LLP

1 Attorneys for Plaintiff Wilson & Cousins Division of
2 Palamar Industries, Inc.

3
4
5 Dated: March 12, 2008

By: 

6 JOHN B. SGANGA, JR.
7 PAUL A. STEWART
8 KNOBBE, MARTENS, OLSON & BEAR, LLP

9 Attorneys for Defendant T. Christy Enterprises, Inc.

10 PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.

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12 Dated: _____

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15 HON. PHYLLIS J. HAMILTON
16 UNITED STATES DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

WILSON & COUSINS DIVISION OF PALAMAR INDUSTRIES INC.

v.

T. CHRISTY ENTERPRISES, INC.

Case No. C-08-0098 PJH

I, Rita Mehler, certify and declare under penalty of perjury that I: am a citizen of the United States; am over the age of 18 years; am employed by Zelle, Hofmann, Voelbel, Mason & Gette LLP, 44 Montgomery Street, Suite 3400, San Francisco, CA 94104, whose members are members of the State Bar of California and at least one of whose members is a member of the Bar of each Federal District Court within California; am not a party to or interested in the cause entitled upon the document to which this Certificate of Service accompanies; and that on March 12, 2008, I served a true and correct copy of the following document(s) in the manner indicated below:

STIPULATED DISMISSAL AND PERMANENT INJUNCTION

☒ **By USDC Live System-Document Filing System:** on all interested parties registered for e-filing.

Dated: March 12, 2008

Signed /s/Rita Mehler
Rita Mehler

#3171693